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In re Application of BARTOLI	:	
U.S. Application No.: 09/202,338	:	
PCT Application No.: PCT/EP97/03100	:	DECISION
Int. Filing Date: 16 June 1997	:	
Priority Date Claimed: 18 June 1996	:	
Attorney Docket No.: P-3003.1LUPPI	:	
For: PACKAGING UNIT	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 18 July 2000.

BACKGROUND

On 16 June 1997, applicant filed international application PCT/EP97/03100, which claimed priority of an earlier Italy application filed 18 June 1996. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 1997. A Demand for international preliminary examination, in which the United States was elected, was filed on 16 December 1997, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 18 December 1998.

On 14 December 1998, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 August 1999, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 25 April 2000, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to timely reply to the Notification of Missing Requirements.

On 18 July 2000, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 June 1997, and a date under 35 U.S.C. 371(c) of 18 July 2000.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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